

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALPHONSO MASON,

Plaintiff(s),

vs.

REPUBLIC SERVICES, Inc., ALLIED
WASTE, HANK VASQUEZ, and
DIANE LARA,

Defendant(s).

2:10-cv-1212-RLH-RJJ

ORDER
(Motion to Dismiss—#19)

Before the Court is Defendants' **Motion to Dismiss** (#19, filed February 8, 2011). Plaintiff filed an Opposition (#21) and a **Motion for Enlargement of Time to Serve All Defendants** (#22) in the same document. Plaintiff also filed copies of four Service of Process Return forms which he gave to the U.S. Marshal's office for service on the four Defendants. Defendants filed a Reply (#24) which also addresses the service of process returns.

The Motion to Dismiss will be granted. The Motion to Enlarge Time will be denied.

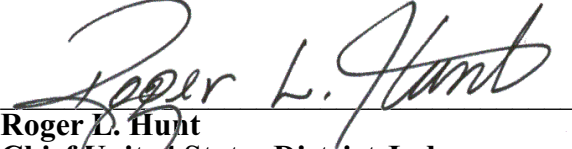
Plaintiff made an original attempt to serve the Defendants by having the Marshal serve them at the office of Republic Services. This was done in violation of Rule 4, Fed. R. Civ. P. The Court declined to dismiss the case at that time because Plaintiff, having realized his error, attempted to serve via a different procedure. At the consideration of the prior motion to Quash or Dismiss, Plaintiff argued that he had attempted to serve properly, but that the U.S. Marshal's office had lost his paperwork. However, that paperwork was apparently found, and Plaintiff submitted here, as noted above.

1 Plaintiff still did not get it right. His second attempt at service was to ask the
2 Marshal to serve each of the corporate and individual defendants by serving the Secretary of State.
3 The Federal Rules of Civil Procedure does not provide that any defendant may be served by serving
4 the Secretary of State for Nevada. Service on individuals must be served individually, either upon
5 the individual, or upon someone authorized by rule or law to accept service. Corporations must be
6 served by serving those designated by rule or law, or designated by the corporation to accept service.
7 The Federal Rules of Civil Procedure clearly describe how, and upon whom, service is to be made.
8 It is clear to the Court that Plaintiff has not bothered to examine the rules to determine how service
9 is to be made. The U.S. Marshal can only attempt service as directed by the Plaintiff. He is to
10 blame for both failures to properly serve the Defendants. His request for more time might be
11 persuasive if he had made a good faith effort to follow the rules. However, even when on notice
12 that his first effort violated the Rules, he failed to correct his error. Accordingly, he has failed to
13 show good cause to extend the time in which to serve the Defendants.

14 IT IS THEREFORE ORDERED that Defendants' **Motion to Dismiss** (#19) is
15 GRANTED.

16 IT IS FURTHER ORDERED that Plaintiff's **Motion for Enlargement of Time to**
17 **Serve All Defendants** (#22) is DENIED.

18 Dated: March 7, 2011.

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21 **Roger L. Hunt**
22 **Chief United States District Judge**
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